UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.99/Rev.1
10 November 1999

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

SUDAN

[Original: Arabic]
[13 July 1999]

GE.99-45485 (E)

I. LAND AND PEOPLE

1. The Republic of the Sudan is located in the north-eastern part of the African continent. With a surface area of 967,498 square miles, it extends from approximately latitude 3° N to latitude 22° N and from approximately longitude 22° E to longitude 38° E.

2. The Sudan is bordered by nine States: Egypt to the north, the Libyan Arab Jamahiriya to the north-west, Chad and the Central African Republic to the west, the Democratic Republic of the Congo to the south-west, Uganda to the south, Kenya to the south-east and Eritrea and Ethiopia to the east.

3. The Sudan has a tropical climate, with the sun lying directly above all parts of the country twice annually. The climatic regions vary from desert in the north to equatorial in the far south.

4. According to the most recent census, conducted in 1992, the population of the Republic of the Sudan stands at 27 million inhabitants, made up of over 570 tribes united by one homeland, purpose and destiny.

5. The Sudan is largely dependent on agriculture; over 66 per cent of the population is employed in agricultural activities and agriculture produce accounts for 90 per cent of Sudanese exports. The fact that the country has several different natural environments serves to diversify agricultural activity and crops. Running through the centre of the country is the great River Nile, which supplies irrigation water to the agricultural land on its banks.

6. A further 15 per cent of the population is engaged in pasturage in the areas where the climate is not conducive to agriculture and settlement. Animal resources in the Sudan stand at approximately 24,065,000 head of cattle, 4,414,000 camels, 22,358,000 sheep and 18,604,000 goats.

7. Industry also plays an important role in the economy of the Sudan, which has various modern light industries, as well as conversion industries.

8. In common with other countries, the Sudan has numerous trade relations with other States to which it exports the surplus to its requirement and from which it imports the commodities that it needs.

II. GENERAL POLITICAL STRUCTURE

9. The Sudanese State is a common homeland for a number of racial groups and cultures living in a spirit of harmony and religious tolerance. Islam is the religion of the majority of the population, while Christianity and traditional beliefs have numerous adherents.

10. The Sudan is a federal republic governed at the highest levels of authority on the basis of a federal system which the Constitution defines as a national centre and a provincial framework.

At the grass-roots level, it is administered through local government in accordance with the law in order to ensure popular participation, consultation, mobilization and equitable distribution of authority and wealth.

11. The political system aims to accomplish five objectives defined as:

1. Achieving participatory democracy by giving all citizens the opportunity to play an effective role in national action.

2. Rallying the national will and mobilizing energies to reconstruct the country and provide impetus to development.

3. Restoring the political and legislative decision-making to citizens at all national opposition levels.

4. Opening up political action through the sectoral congresses to all social forces, particularly those with a more recent history, such as trade unions, federations, associations and leagues with varying concerns.

5. Devising a framework for political action that will achieve freedom, partnership, consultation, equality and justice for all citizens.

12. In the light of that initiative and approach, the necessary elections were held to form the structure of the political system, which was completed with the establishment of the National Assembly elected in March 1996 in accordance with the provisions of the Public Elections Act of 1995.

13. The President of the Republic was also elected in public elections conducted in May 1996.

The judiciary

14. The Sudanese legislator first of all established the principle of the independence of the judiciary and also formulated a set of guarantees intended to realize the principle of the sovereignty of law and justice. The Judiciary Act of 1986 provides that the judicial power in the Sudan should belong to an independent judiciary (art. 8 of the Act). With a view to ensuring that independence, a set of guarantees was adopted, including the principle that the judiciary would not be subject to the executive. The Judiciary Act of 1986 also entrusted the supervision of judiciary affairs to the High Judiciary Council, which is responsible for examining matters relating to appointment, dismissal, transfer, promotion and accountability. The Act also guarantees the independence of the judiciary by stipulating in its provisions that the emoluments of the judiciary should be in accordance with the schedule annexed to the Act (art. 33) and that the members of the judiciary should enjoy immunity from criminal proceedings (art. 70).

15. In the Sudan, the members of the judiciary perform their functions independently; they have full judicial power on the basis of their jurisdictions and may not be directly or indirectly influenced in their rulings. Article 101 of the new Sudanese Constitution, which has been in

force since 1 January 1999, confirms the independence of the judiciary by stipulating that: "Judges shall be independent in the discharge of their duties and shall exercise full judicial authority within their field of jurisdiction. They shall not be influenced in their judgements".

16. For the first time in the history of the Sudan, a Constitutional Court was established in accordance with the new Constitution of 1998, article 105 of which stipulates that: "An independent Constitutional Court shall be established, the president and members of which shall be appointed by the President of the Republic from among persons with constitutional experience. It shall be the guardian of the Constitution, being competent to hear and rule on any matter pertaining thereto."

17. The provisions of article 68 of the Thirteenth Constitutional Decree of 1995 affirm the principle of the rule of law, pursuant to which the constitutionality of any law promulgated by the National Assembly may be challenged in the Supreme Court, as may a provisional decree of the President of the Republic or a law promulgated by a State council, provided that the challenge is based on transgression of the boundaries of the constitutional federal system or constitutional human rights.

The executive

18. The executive is headed by the President of the Republic and comprises as its membership the federal ministries, which formulate national plans and programmes relating to the State and society. They also examine federal bills, the proposed general budget and international treaties before they are submitted to the National Assembly and Parliament for final approval.

The legislature

19. This is the legislative body charged with enacting and passing legislation and laws, approving the country's general budget and monitoring the executive machinery. Its members are elected to office in free direct elections held in the geographical constituencies and sectors (country-wide constituencies).

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

20. The respect for and observance of human rights shown in the Sudan are primarily attributable to the adherence of Sudanese society to its values and high ideals, as well as to the principles stemming from its spiritual, moral and cultural heritage.

21. The new Constitution of the Sudan comprises a bill of rights covering social justice and solidarity, public health, sports, the environment, children, youth, the family and women (arts. 11, 13, 14 and 15). Chapter II of the said Constitution covers freedoms, inviolabilities, rights and obligations in accordance with the provisions of the instruments and protocols adopted by the United Nations to this end (annexed to the Constitution).

22. Article 26 of the new Sudanese Constitution stipulates that citizens shall enjoy the right of association and organization for cultural, social, economic, professional or trade-union purposes without any restriction except as provided by law. Paragraph 2 of the same article of the Constitution further stipulates that citizens shall enjoy the guaranteed and unrestricted right of political association and organization, subject only to the condition of consultation and democracy in organizational leadership, the use of argumentation rather than material force in mutual competition, and commitment to the principles laid down in the Constitution, in the manner regulated by law.

23. Bearing in mind that legal systems ultimately express the attitudes, principles and customs of a nation, the Sudanese legislator endeavoured to encompass those vales in the country's legislative structures and in its operative laws that are binding on all citizens, be they rulers or ruled, individuals or groups. Hence, these systems and legislative acts together form an integral and effective body of essential guarantees that serve as an adequate safeguard of the civil, political, economic, social and cultural rights of human beings.

IV. INFORMATION AND PUBLICITY

24. In accordance with the resolution issued by the General Assembly of the United Nations on raising awareness of human rights, the Government of the Sudan began to formulate a plan of action to enable the human rights education committees in the different states of the Sudan to adopt the national plan implemented by the Consultative Council within the geographical boundaries of each state in accordance with specific programmes of action aimed at eliminating the obstacles to human rights awareness.

25. The measures to be taken are the following:

(a) Protect the strengthening of human rights and fundamental freedoms as a birthright of all humankind and disseminate the human rights instruments;

(b) Undertake to eliminate the present gap between the existence and the enjoyment of fundamental rights, and compile and publish reports and statistics on the subject;

(c) Urge individuals to participate, share in and enjoy cultural, economic, political and social development and raise their awareness of their right to do so;

(d) Cooperate and coordinate with human rights organizations and bodies and the relevant United Nations agencies in order to strengthen and rationalize the structures and activities aimed at spreading awareness of human rights, as well as avoid duplication;

(e) Encourage the pursuit of a clear and active policy on gender mainstreaming in all policies and programmes with a view to guaranteeing and declaring the full enjoyment of human rights by women;

(f) Draft a comprehensive programme relating to advisory services, technical and vocational assistance, the preparation of reports and the elaboration of planning, coordination and education measures in the field of human rights, and undertake an active role in implementing the programme, together with general and specific training programmes, seminars and symposia;

(g) Call upon the Sudan Advisory Council for Human Rights and the United Nations High Commissioner for Human Rights to establish effective cooperation in the context of implementing the plan of action submitted in connection with the United Nations Decade for Human Rights Education;

(h) Ensure that state Governments, political organs, vocational organizations, employers' organizations, non-governmental organizations and grass-roots organizations carry out the following:

(i) Formulate and implement programmes that will raise awareness among their members of the human rights content of international instruments and treaties;

(ii) Prepare training courses with a view to ensuring that human rights are observed during the process of formulating policies and plans and approving programmes;

(iii) Mobilize the efforts of their membership towards the diffusion of human rights awareness programmes;

(iv) Undertake the task of recommending legislative and administrative reforms with a view to enabling State citizens to enjoy their fundamental human rights;

(v) Recommend the formulation of study programmes and the production of teaching materials such as to ensure that all citizens are more widely aware of and familiar with their fundamental rights;

(vi) Increase public awareness of human rights values and criteria.

26. In common with other developing countries, the Sudan suffers from the problems caused by poverty, instability, insecurity and the external debt burden. It is therefore highly dependent on foreign assistance from international organizations and banking institutions to implement child protection programmes and the provisions of the International Bill of Human Rights. However, the fact that such assistance is either negligible or often completely non-existent constitutes an insurmountable obstacle to the implementation of human rights and makes it extremely difficult to put into action the plans and programmes which have been framed in that connection.